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EXAMINER

MILIA, MARK R

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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10/19/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/624,525	Applicant(s) NONAKA, SHUNICHIRO	
	Examiner Mark R. Milia	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 14 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 6/15/09 and has been entered and made of record. Currently, claims 1-9, 11, 14, and 17 are pending.

Claim Objections

2. The objection set forth in the previous Office Action has been withdrawn due to the cancellation of claim 16.

Response to Arguments

3. Applicant's arguments filed 6/15/09 have been fully considered but they are not persuasive.

Applicant asserts that Moriya (JP 2002-199151) fails to teach first groups are set so that at least one of the first groups includes plural types of transmitting terminals, fifth parameters are allocated to the first groups, respectively, and the parameter deciding unit decides the first parameter from the fifth parameters allocated to the respective first groups according to the discriminated type of the transmitting terminal. The examiner respectfully disagrees as Moriya does disclose such features. Particularly, Moriya

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states that input device information acquisition section **120** acquires information for specifying the characteristic of a picture input device, such as a kind name of the picture input device (paragraph 38). Moriya describes two terms, “kind” and “kind name” that aid in the classification of picture input devices. A “kind” of picture input device means a classification of picture input devices, such as a personal computer, digital camera, scanner, and image generating devices. A “kind name” of a picture input device means each kind name in a kind of each image processing device, such as a liquid crystal display panel of a cellular phone may differ in display properties depending on the model. Moriya also states that “kind” and “kind name” can provide information that allows suitable image processing to be performed. Moriya further states that two or more various parameters for performing image processing are stored in the image processing parameter storage part **130** in the form of a look up table. The input device information dependence image processing portion **140** chooses the optimal parameter from the image processing parameter storage **130** according to the input device information, such information can be a “kind” or “kind name” of the picture input device (paragraphs 39-40). A “kind” of picture input device is analogous to a group that includes plural types of transmitting terminals as the “kind” of picture input device is a classification of devices, such as digital cameras, scanners, etc. A “kind name” is analogous to a fifth parameter as it further identifies the model of a “kind” of picture input device. The parameters stored in image processing parameter storage **130** are analogous to the first parameter as it is decided from the “kind name” or fifth parameter and indicates the type of image processing that should be performed on the image data.

Therefore, the rejection of claims 1-9 set forth in the previous Office Action, are maintained and repeated in this Office Action.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriya (JP 2002-199151), as cited in the IDS dated 8/8/06, (reference will be made to a machine translation which has been furnished with a previous Office Action) in view of DeSalvo (US 2003/0208546).

Regarding claim 1, Moriya discloses an image-attached mail transiting apparatus for performing predetermined image processing for an image according to a type of a transmitting terminal with a camera, which transmits an E-mail to which the image is attached, comprising: a type discriminating unit that discriminates the type of the transmitting terminal, which transmits the E-mail to be received by the image-attached mail transiting apparatus (see paragraphs 2, 7-8, 14-16, 34, 38, and 45, an input device information acquisition section **120** which is part of server **100** that determines the type of input device (transmitting terminal), the information being added to the file format of the image data), a parameter deciding unit that decides a first parameter indicating what processing should be performed for the attached image of the E-mail according to the type of the transmitting terminal (see paragraphs 34, 36-40, and 44-46), and an image

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processing unit that performs predetermined image processing based on the first parameter for the attached image (see paragraphs 34, 36-40, and 44-46), wherein the image processed by the image processing unit is substituted for the attached image of the E-mail, and then the altered E-mail, to which the substituted image is attached, is transmitted to a receiving terminal (see paragraphs 44 and 56, data of a picture photoed with a digital camera with which the portable mail terminal **20A** was equipped is processed, such as changing the image size, color correction, sharpness, etc. and then sent to server **100** for storage and then the data is sent from the server **100** to an output device, depending on the characteristics of the output device the image data is processed again to be suitable for display or printing at the output device), and first groups are set so that at least one of the first groups includes plural types of transmitting terminals, fifth parameters are allocated to the first groups, respectively, and the parameter deciding unit decides the first parameter from the fifth parameters allocated to the respective first groups according to the discriminated type of the transmitting terminal (see paragraphs 14-16 and 38-40, reference discloses two terms, “kind” and “kind name” that refer to classification; particularly, a “kind” of picture input device means a classification of picture input devices, such as a personal computer, digital camera, scanner, and image generating device and a “kind name” of a picture input device means the kind name in a kind of each image processing device, for example, a LCD panel of a cellular phone may differ in display properties depending on the model and further discloses that information, such as “kind” and “kind name” can be utilized by the information acquisition section **120** to determine the type of input device).

Moriya does not disclose expressly discriminating based on a header of the E-mail the type of transmitting terminal.

DeSalvo discloses discriminating based on a header of the E-mail the type of transmitting terminal (see paragraphs 26 and 28, reference shows that an e-mail header is analyzed to determine if an attachment is present and if there is an attachment determines the type of attachment) and an image processed by the image processing unit is substituted for the attached image of the E-mail, and then an altered E-mail, to which the substituted image is attached, is transmitted to a receiving terminal (see paragraph 34, the attachment processing module **240** will determine whether the destination address is another wireless device capable of processing the converted attachment and will transmit the converted attachment, rather than the original attachment that was transmitted to the service **100**).

Regarding claims 4 and 7, Moriya discloses an image-attached mail transiting method and program for performing predetermined image processing for an image according to a type of a transmitting terminal with a camera, which transmits an E-mail to which the image is attached, comprising: a first type discriminating step of discriminating the type of the transmitting terminal, which transmits the E-mail (see paragraphs 2, 7-8, 14-16, 34, 38, and 45, an input device information acquisition section **120** which is part of server **100** that determines the type of input device (transmitting terminal), the information being added to the file format of the image data), a first parameter deciding step of deciding a first parameter indicating what processing should be performed for an attached image of the E-mail according to the type of the

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transmitting terminal (see paragraphs 34, 36-40, and 44-46), a first image processing step of performing predetermined image processing based on the first parameter for the attached image (see paragraphs 34, 36-40, and 44-46), an image substituting step of substituting an image processed in the first image processing step for the attached image of the E-mail (see paragraphs 44 and 48), and a mail transmitting step of transmitting an altered E-mail, to which a substituted image is attached, to a receiving terminal (see paragraphs 44 and 56, data of a picture photoed with a digital camera with which the portable mail terminal **20A** was equipped is processed, such as changing the image size, color correction, sharpness, etc. and then sent to server **100** for storage and then the data is sent from the server **100** to an output device, depending on the characteristics of the output device the image data is processed again to be suitable for display or printing at the output device), and setting first groups so that at least one of the first groups includes plural types of transmitting terminals; and allocating fifth parameters to the first groups, respectively, wherein the first parameter is decided from the fifth parameters allocated to the respective first groups, according to the discriminated type of the transmitting terminal (see paragraphs 14-16 and 38-40, reference discloses two terms, “kind” and “kind name” that refer to classification; particularly, a “kind” of picture input device means a classification of picture input devices, such as a personal computer, digital camera, scanner, and image generating device and a “kind name” of a picture input device means the kind name in a kind of each image processing device, for example, a LCD panel of a cellular phone may differ in display properties depending on the model and further discloses that information,

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such as “kind” and “kind name” can be utilized by the information acquisition section **120** to determine the type of input device).

Moriya does not disclose expressly discriminating based on a header of the E-mail the type of transmitting terminal.

DeSalvo discloses discriminating based on a header of the E-mail the type of transmitting terminal (see paragraphs 26 and 28, reference shows that an e-mail header is analyzed to determine if an attachment is present and if there is an attachment determines the type of attachment) and an image processed by the image processing unit is substituted for the attached image of the E-mail, and then an altered E-mail, to which the substituted image is attached, is transmitted to a receiving terminal (see paragraph 34, the attachment processing module **240** will determine whether the destination address is another wireless device capable of processing the converted attachment and will transmit the converted attachment, rather than the original attachment that was transmitted to the service **100**).

Moriya & DeSalvo are combinable because they are from the same field of endeavor, image processing based on input/output devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the analyzing of an e-mail header to determine the type of attached file, as described by DeSalvo, with the system of Moriya. Moriya discloses an input device information acquisition section **120** which is part of server **100** that determines the type of input device (transmitting terminal), the information being added to the file format of the image data (paragraphs 38 and 45). Storing information within

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e-mail headers, such as sender information, is well known in the art and therefore it would have been obvious to analyze an e-mail header to determine the type of transmitting terminal, based on the disclosures of Moriya and DeSalvo.

The suggestion/motivation for doing so would have been to efficiently and intelligently obtain image information as it relates to a transmission terminal to increase overall system speed.

Therefore, it would have been obvious to combine DeSalvo with Moriya to obtain the invention as specified in claims 1, 4, and 7.

Regarding claim 2, Moriya further discloses wherein the type discriminating unit discriminates the type of the receiving terminal having a display (see paragraph 56), the parameter deciding unit decides a second parameter indicating what processing should be performed for the attached image of the E-mail according to the type of the receiving terminal (see paragraphs 50, 54-58, and 61-62), and the image processing unit performs predetermined image processing based on the second parameter for the attached image (see paragraphs 50, 54-58, and 61-62). DeSalvo further discloses discriminating based on a header of the E-mail the type of receiving terminal (see Fig. 2 and paragraphs 19 and 24).

Regarding claims 3, 6, and 9, Moriya further discloses wherein the type discriminating unit discriminates the type of the receiving terminal having a display (see paragraph 56), the parameter deciding unit decides a third parameter indicating what processing should be performed for the attached image of the E-mail according to the

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type of the transmitting terminal and the type of the receiving terminal (see paragraph 68), and the image processing unit performs predetermined image processing based on the parameter for the attached image (see paragraph 68). DeSalvo further discloses discriminating based on a header of the E-mail the type of receiving terminal (see Fig. 2 and paragraphs 19 and 24).

Regarding claims 5 and 8, Moriya further discloses a second type discriminating step of discriminating, based on the header of the E-mail, a type of the receiving terminal having a display (see paragraph 56), a second parameter deciding step of deciding a second parameter indicating what processing should be performed for the attached image of the E-mail according to the type of the receiving terminal (see paragraph 68), and a second image processing step of performing predetermined image processing based on the second parameter for the attached image (see paragraph 68), wherein the image substituting step substitutes an image processed in the first image processing step and the second image processing step for the attached image of the E-mail (see paragraphs 44-48). DeSalvo further discloses discriminating based on a header of the E-mail the type of receiving terminal (see Fig. 2 and paragraphs 19 and 24).

Allowable Subject Matter

6. Claims 11, 14, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose, teach, or suggest the claimed limitations of (in combination with all other limitations in the claims), wherein: the type discriminating unit discriminates, based on the header of the E-mail, the type of the receiving terminal having a display second groups are set so that at least one of the second groups includes plural types of receiving terminals, fourth parameters are allocated to the second groups, respectively, the parameter deciding unit decides a third parameter from among the fourth parameters allocated to the respective second groups, according to the discriminated type of the receiving terminal, each of the fourth parameters indicates what processing should be performed for the attached image of the E-mail according to the allocated second groups, and the image processing unit performs predetermined image processing based on the decided third parameter for the attached image, as set forth in claim(s) 11 and 14.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
Art Unit 2625

/Mark R. Milia/
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/David K Moore/
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